

Law Preventing Harm to the State of Israel by Means of Boycott – 2011

1. Definition:

1. In this bill, "a boycott against the State of Israel" is defined as: deliberately avoiding economic, cultural or academic ties with another person or body solely because of their affinity with the State of Israel, one of its institutions or an area under its control, in such a way that may cause economic, cultural or academic damage.

2. Boycott – a civil wrong:

A. He who knowingly publishes a public call for a boycott against the State of Israel, where according to the content and circumstances of the publication there is reasonable probability that the call will lead to a boycott, and he who published the call was aware of this possibility, will be considered to have committed a civil wrong to which the Civil Tort Law [new version] is applicable.

B. In regards to clause 62(A) of the Civil Tort Law [new version], he who causes a binding legal agreement to be breached by calling for a boycott against the State of Israel will not be viewed as someone who acted with sufficiently justified cause.

C. If the court will find that a civil wrong, as defined by this law, was deliberately carried out, it will be authorized to compel the person who committed the wrongdoing to pay [punitive] damages that are independent of the actual damage caused; in calculating the sum of these damages, for example, the court will take into consideration, among other things, the circumstances under which the wrong was carried out, its severity and its extent.

3. Regulations limiting participation in tenders

The Finance Minister is authorized, with the agreement of the Justice Minister and the approval of the Knesset's Constitution, Law and Justice Committee, to set regulations that would limit the participation in a tender of he who knowingly published a public call for a boycott against the State of Israel, or who committed to take part in a boycott, including a commitment not purchase goods and/or services produced and/or provided in Israel, by one of its institutions, or in an area under its control; in this clause, a "tender" is defined as any public tender that must be administered in accordance with the Mandatory Tenders Law – 1992.

4. Regulations suspending benefits

A. The Finance Minister, upon consultation with the Justice Minister, may decide in the case of someone who knowingly published a public call for a boycott against the State of Israel or committed to take part in a boycott, that:

1. He will not be considered a public institution under clause 46 of the Income Tax Ordinance;
2. He will not be eligible to receive money from the Council to Regulate Sports Gambling under clause 9 of the Regulation of Sports Gambling Law – 1967; the authority to utilize this clause requires the agreement of the Minister of Culture and Sports;
3. He will not be considered a public institution under clause 3(A) of the Budget Foundations Law –1985, regarding the receipt of budgetary support under any budget line item; the authority to utilize this clause requires the agreement of the Minister appointed by the government as responsible for said budgetary line item, i.e. in accordance with clause 2 of the budget law, which defines "responsibility for implementing the budget line item";

4. He will not be eligible to utilize guarantors under the Guarantors on Behalf of the State Law – 1958.

5. He will not be eligible to enjoy benefits under the Encouragement of Capital Investment Law –1959, or under to the Encouragement of Research and Development in Industry Law – 1984; the authority to utilize this clause requires the agreement of the Minister of Industry, Commerce and Employment.

B. In exercising the authority granted to the Finance Minister according to subsection (a), the Minister of Finance will act in accordance with the regulations that will be established in this matter, with the agreement of the Minister of Justice, and with the approval of the Knesset's Constitution, Law and Justice Committee; however, if no such regulations have been established, this in no way diminishes the authority of the Minister under subsection (a).

5. Implementation

The Minister of Justice is appointed to implement this law.

6. Effective Date

Clause 4 shall come into effect 90 days after the publication of the law.